

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

M.M., as guardian for her minor daughter,  
O.M.,

Plaintiffs,

v.

TACOMA SCHOOL DISTRICT NO. 10,  
et al.,

Defendants.

CASE NO. 3:21-CV-05865-LK

ORDER GRANTING MOTION TO  
WITHDRAW

This matter comes before the Court on Wood, Smith, Henning & Berman LLP's Motion to Withdraw as Counsel for Defendant Steven Holmes. Dkt. No. 57. Counsel state that Mr. Holmes unexpectedly passed away on April 9, 2023, and that his death "has terminated the attorney-client relationship[.]" *Id.* at 1–2. They aver that "[a]ll parties have been informed of Mr. Holmes' passing and Plaintiff[s'] counsel has been provided with his Certificate of Death." Dkt. No. 59 at 1. Plaintiffs have not responded to the motion or otherwise opposed the request.

An attorney must seek leave of court before withdrawing from representation except in certain circumstances that do not apply here. *See* LCR 83.2(b)(1). Because "[a] client's death

1 terminates the relation of attorney and client and the attorney's authority to act by virtue thereof"  
2 unless the attorney can show the client intended representation to continue following his death,  
3 *Vincent v. Vincent*, 554 P.2d 374, 378 (Wash. Ct. App. 1976), the Court GRANTS the motion. *See*  
4 *also Stella Sales, Inc. v. Johnson*, 985 P.2d 391, 397 (Wash. Ct. App. 1999) (the attorney for a  
5 deceased party may no longer represent that party's interests because the death of a client  
6 terminates the attorney-client relationship).

7 Dated this 27th day of June, 2023.

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Lauren King  
10 United States District Judge  
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